

REMARKS

In response to the final Office Action dated February 03, 2009, Applicants submit the following Preliminary Amendment with a Request for Continued Examination. Applicants submit that all pending claims, as amended, are allowable.

Independent claims 33, 59 and 63 have been amended to recite limitations for various dependent claims, including claims 36, 53-55. Other claims have been cancelled, where appropriate in view of the amendments to claims 33, 59 and 63, and various claims are amended to update dependency. These amendments do not add any new matter and as such, Applicants request entrance and examination.

Claims 33, 37, 46 – 48, 50 – 52, 59 and 64 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Non-Patent Literature to Naor, Moni, *Verification of a human in the loop or Identification via the Turing Test*, (“Naor”). Claim 53-55 were rejected under 35 U.S.C. 103(a) in view of Naor in combination with U.S. Patent No. 6,209,104 (“Jalili”).

Applicants respectfully disagree and traverse as Naor fails to disclose each and every element of Applicants’ claimed including that Naor fails to teach or suggest wherein the response component is not based on a pre-selected content item chosen by a user.

First, the Examiner considers Naor as teaching wherein the response component is not based on a pre-selected content item chosen by a user. Nothing in Naor even mentions wherein the response component is not based on a pre-selected content item chosen by a user. Instead, Naor teaches away from Applicants’ claimed method by teaching the exact opposite. More specifically, Naor states:

“One of the key ideas of Cryptography is applying the fact that there are intractable problems, i.e. problems that cannot be solved effectively by any feasible machine, in order to construct secure protocols. Our proposal is to adapt the way identification is handled in cryptographic settings to deal with this situation. There, when one party A wants to prove its identity to another party B, the process is a proof that the A can effectively compute a (keyed) function that a different user (not having the key) cannot compute. **The identification process consists of a challenge selected by B and the response computed by A.**

...

Before the service processes the request it should verify the correctness of the answers. The service will not process a query whose attached questions were not answered properly (or will give it a lower priority). The questions for the challenge **should be chosen from a large collection of possible questions and will be specific to the user's request**, i.e. there should be no point in gathering those questions.” (Naor, Page 1, 15 – 37). (Emphasis Added).

By specifically requiring a user to select a challenge, Naor not only fails to disclose the claimed element “the response component is not based on a pre-selected content item chosen by a user,” but instead teaches away by expressly teaching that the “possible question” is “specific to the user’s request.”

Additionally, Applicants submit that based on the failures of Naor, any combination with Jalili would fail to satisfy the teaching or suggestion of all recited elements.

Therefore, Applicants respectfully request withdrawal of the rejections of claims 33, 59 and 64 and solicit allowance of the same. Should the Examiner maintain the present rejection as a combination of Naor with Jalili, Applicants respectfully request further clarification for the asserted teachings of Naor beyond the mere recitation to general passages covering large portions of claim limitations.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over the prior art of record.

For example, claim 49 additionally recites patentable subject matter in view of the amendments to Independent claim 33. As understood, the Examiner's reasoning would have to support a three-way 103(a) rejection, wherein Applicants submit that these varying and disparate prior art references would not be such that one skilled in the art would have been motivated to fashion such a combination. Thus, clearly claim 49 recites allowable subject matter including the display of an image and the presentation of a cognitive question, the response component represents an answer to the question.

Given the Applicants' position on the patentability the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

For at least all of the above reasons, Applicants respectfully request the withdrawal of all rejections and respectfully solicit allowance of all the pending pending. To expedite prosecution of this application to allowance, the Examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

Dated: May 19, 2009

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